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Attorneys for Secured Creditor,
Carrington Mortgage Services, its successors and/or
assigns as servicing agent for Christiana Trust, A
Division of Wilmington Savings Fund Society, FSB,
as trustee for Stanwich Mortgage Loan Trust, Series
2012-14

UNITED STATES BANKRUPTCY COURT
Northern District of California (Oakland)

In re:
HENRY JOSEPH O'LEE
MARY MCCARTHY O'LEE

Bankruptcy Case No. 12-49760
DC No. CJH-001
Chapter 7

**MOTION FOR RELIEF FROM
THE AUTOMATIC STAY**

Date: 3/6/2013
Time: 2:00 PM
Ctrm: 201

Judge: Hon. Roger L. Efremsky

MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES Carrington Mortgage Services as servicing agent for Christiana
Trust, A Division of Wilmington Savings Fund Society, FSB, as trustee for
Mortgage Loan Trust, Series 2012-14, and shows unto this Honorable Court as
follows:

1. That Christiana Trust, A Division of Wilmington Savings Fund Society, FSB,
as trustee for Stanwich Mortgage Loan Trust, Series 2012-14 is the current
payee/beneficiary on a note secured by a deed of trust ('the subject note/deed of
trust') on certain real property of the estate located at 2419 GILL PORT LANE,
WALNUT CREEK, CA 94598-0000 ('the real property').

1 2.That the Debtor filed Chapter 7 Bankruptcy on December 11, 2012;
2 3.The debtor(s) are in arrears on payments that became due pre-petition on the
3 subject note and deed of trust in the amount of \$5,337.20.
4 4.That pursuant to 11 U.S.C. §362(d)(1), upon request of a party in interest, the Court
5 shall grant relief from stay for cause, including lack of adequate protection of an
6 interest in property of such party in interest;
7 5.That as of today, the total debt under the subject note and deed of trust is
8 approximately \$387,624.11.
9 6.(If applicable) That according to the Debtor's schedules there is a junior deed of
10 trust thereon securing an obligation with a balance of \$520,000.00
11 7.That pursuant to Debtor's schedules, the value of the Property is \$586,000.00.
12 8.That pursuant to 11. U.S.C. §362(d)(2)(A) and (B), the court shall grant relief from
13 the stay as the Debtor does not have any equity in the real property and the real
14 property is not necessary for an effective reorganization;
15 8.An order granting the herein motion should be be effective immediately
16 irrespective of FRBP §4001(a)(3);
17

18 WHEREFORE, Movant, it successors and assigns, respectfully requests that
19 this court enter an Order Granting Relief from the Automatic Stay allowing
20 enforcement of the subject note and deed of trust against the real property and that
21 entry of the order be effective immediately upon entry notwithstanding the
22 provisions of FRBP §4001(a)(3), and whatever other relief the court deems just and
23 equitable.

24 Respectfully Submitted,
25 Randall S. Miller & Associates, P.C.

26
27 Dated: February 7, 2013

/s/Christopher J. Hoo